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PATENT
Attorney Docket No. 03022/36039

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:
Nahum Chernichovski *et al.*

Serial No.: 09/464,546

Filed: December 15, 1999


For: Optical Filter and Passive Infrared
Detector Assembly

Group Art Unit: 2878

Examiner: Thanh X. Luu

) I hereby certify that this paper is being
) deposited with the United States Postal
) Service with sufficient postage as First
) Class Mail, in an envelope addressed to:
) Box DAC, Commissioner for Patents,
) Washington, D.C. 20231, on this date:

) November 8, 2002

) 
) Jeffrey S. Sharp

) Reg. No: 31,879

) Attorney for Applicants
)
)
)

**PETITION UNDER 37 C.F.R. §1.137(b) FOR REVIVAL OF
UNINTENTIONALLY ABANDONED PATENT APPLICATION;
PETITION FOR ACCEPTANCE OF PREVIOUSLY FILED FORMAL DRAWING;
AND PETITION FOR REFUND OF REVIVAL FEE**

Box DAC
Commissioner for Patents
Washington, D.C. 20231

Sir:

The above-identified application was unintentionally abandoned for failure to timely file new formal drawings in response to a Notice of Allowance mailed June 6, 2002, which set a period for response that expired on September 6, 2002. A Notice of Abandonment was mailed on October 11, 2002, and was received by applicants' attorneys on October 22, 2002. Applicants hereby petition for revival of the application. The following are included:

1. a check for the required petition fee of \$640.00;
2. a statement that the delay was unintentional (below, in this paper);

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3. a drawing corrected in accordance with the request to file new drawings;
4. a request that the originally presented drawings be accepted; and
5. a request that the petition fee submitted herewith be refunded.

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional.

No terminal disclaimer is believed to be required.

A drawing corrected in accordance with the Notice of Allowance mailed June 6, 2002 is submitted herewith. According to the Examiner's request, "Fig. 1" in the request has been replaced with --The--. If this is incorrect, acceptance of the originally presented Figure which was otherwise acceptable to the Patent and Trademark Office is requested.

Applicants also request a refund of the fee submitted herewith for revival of the application on the grounds that the failure to change the drawing to replace "Fig. 1" with --The-- was at the oral instruction of the Publication Branch. Specifically, the undersigned counsel contacted Examiner Le on August 7, 2002 to question the appropriateness of the drawing change, replacing "Fig. 1" with --The--, proposed in the June 6, 2002 Notice of Allowance. Examiner Le stated that he believed the substitution of --The-- for "Fig. 1" was the format required by the Publication Branch but suggested that the undersigned attorney contact the Publication Branch directly to determine if the proposed substitution was proper. The undersigned attorney did so, on August 7, 2002, by contacting the Publication Branch directly at 703-308-6789 and was informed that the substitution of --The-- for "Fig. 1" was not correct and that the Applicant should not take any further action regarding the drawing as the Publication Branch would either leave "Fig. 1" on the drawing or delete it of its own accord and that either action would be proper.

In reliance upon this instruction, the Issue Fee was paid on September 3, 2002 prior to the September 6, 2002 due date but the application was held abandoned in a paper mailed October 11, 2002. The Notice of Abandonment was received on October 22, 2002 and

subsequent telephone inquiries to the Examiner and different individuals within the Publications Branch led to the filing of these requests.

Any additional required fee may be charged to our deposit account no. 13-2855. Any overpayment of this fee and any refund of the petition fee should be refunded to the undersigned's law firm at the indicated address.

Accordingly, grant of these petitions to withdraw abandonment, enter the corrected or previous figure, and to refund the petition fee are solicited.

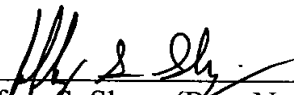
If the petition examiner would like to discuss the foregoing, or any matter of form or procedure, he or she is urged to telephone the undersigned at the indicated number.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN

November 8, 2002

By:


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